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Comics, Law, and Aesthetics: Towards the use of graphic fiction in legal studies¹

Thomas Giddens

The current article argues for the inclusion of comics,² a contemporary, distinctive, and richly aesthetic narrative medium, amongst the resources considered in the interdisciplinary study of law. There is a huge diversity of comics publications around the world, from the mainstream and more independent comics publications of the UK and US, to the flourishing market in Japanese manga (an internationally popular comics tradition which has its own particular style of presentation, panel layouts, and visual characterisation), to the well-regarded French-language comics known as *bande dessinée*.³ Even within Western comics alone there is much diversity to note: independent comics magazines produce short or continuing works by various artists;⁴ large mainstream publishers, such as Marvel and DC, produce the well-known superhero comics (such as *Spiderman* and *X-Men*, *Superman* and *Batman*, and amalgams like the *Avengers* and the *Justice League of America*) amongst other popular narratives such as *Sandman* and *Y: The Last Man*; smaller independent comics producers, such as Image or Fantagraphics, publish more alternative or 'artistic' works.⁵ There are narratives that continue across multiple issues, which may be collected into single volume compilations, and there are longer form graphic novels.⁶ There are comic strips, such as the *Beano* or *Dandy*, that employ simple images to construct short narratives for typically younger readers. And, for exclusively adult audiences, series of erotic comics are available.⁷ As already mentioned, there is also the rich tradition of manga originating from

¹ This is the pre-publication version of the article, which has been published in its final form in *Law and Humanities* 6(1) 85-109 (2012).

² This article will use the widely accepted term *comics*, which is generally used in plural form with a singular verb (for example, 'the comics form', 'comics images'): see S McCloud, *Understanding Comics: The Invisible Art* (HarperCollins, New York 1993) 9.

³ Well-known examples of *bande dessinée* include *Asterix* and *Tin Tin*. *Bande dessinée* is not considered specifically in this article, but for an in-depth examination of French-language comics, particularly from a semiotic perspective, see A Miller, *Reading Bande Dessinée: Critical Approaches to French-Language Comic Strip* (Intellect, Bristol 2007).

⁴ A classic example is Art Spiegelman and Françoise Mouly's *RAW* magazine, produced from 1980 to 1991. See D Wolk, *Reading Comics: How Graphic Novels Work and What They Mean* (Da Capo Press, Philadelphia PA 2007) 42.

⁵ Examples of alternative comics include Robert Kirkman's *The Walking Dead* series (published by Image), Dan Clowes's *Ghost World* (published by Fantagraphics) and the Hernandez Brothers' *Love & Rockets* series (also Fantagraphics).

⁶ For an overview of the various types comics found in the US, including the development of mainstream comics of DC and Marvel and the independent or art-focused reaction this type of publication, see Wolk (n 3) 38-58. Regarding comics' history of censorship in the US, see A Nyberg, *Seal of Approval: The History of the Comics Code* (University Press of Mississippi, Jackson 1998); and in the UK M Barker, *A Haunt of Fears: The Strange History of the British Horror Comics Campaign* (Pluto, London 1984).

⁷ See, for example, the line of erotic comics published by Fantagraphics under their Eros Comix imprint.

Japan, with works being produced for consumption by various demographics, and reaching a worldwide English-speaking audience through companies such as VIZ Media. Like Western comics, manga also traverses a wide variety of genres and audiences, from the political horror and violence of *Battle Royale*, to the calculating supernatural crime drama of *Death Note*, to the epic post-apocalyptic fantasy of *Nausicaä*, to the various genre-specific imprints such as VIZ's Shojo Beat romance manga. In short, comics are published globally, in many varieties, for many audiences, and about many different topics and themes (from romance to adventure, from crime-fighting to science fiction, from horror to erotica). In addition to this international publishing activity, some of the most visible evidence of comics' cultural popularity can be seen in the large number of mainstream films that are based upon comics and their characters,⁸ and in the existence of TV tie-ins such as the 'off-screen' narratives of *Heroes*⁹ and the continuation of series such as *Buff*y¹⁰ and *Firefly*¹¹ in comics form.

Given this widespread diversity and popularity, the medium is undoubtedly of great cultural significance. Accordingly, comics have not escaped the interest of academics. Although far from being the main focus of discussion, fields such as politics,¹² geopolitics,¹³ business ethics,¹⁴ disability studies,¹⁵ environmental philosophy,¹⁶ philosophy,¹⁷ and even to some extent criminal justice¹⁸ and law,¹⁹ have all positively engaged at some level with the medium. However, comics still remain drastically under-researched in the context of interdisciplinary legal studies. As titles such as 'Justice League' might suggest, many works in the mainstream, and particularly in Western superhero genres, are embedded with themes of criminal justice and social order.²⁰ But even beyond this popular 'superhero'

⁸ To name but a few examples: Christopher Nolan's *The Dark Knight* (2008), Frank Miller's *Sin City* (2005), Sam Mendes's *The Road To Perdition* (2002), Barry Sonnenfeld's *Men In Black* (1997), Edgar Wright's *Scott Pilgrim vs The World* (2010), James McTeigue's *V for Vendetta* (2006), Katsuhiro Otomo's *Akira* (1988), Terry Zwigoff's *Ghost World* (2001), David Cronenberg's *A History of Violence* (2005), and Zack Snyder's *Watchmen* (2009).

⁹ See the show's 'graphic novel library' here: http://www.nbc.com/heroes/novels/novels_library.shtml (accessed 2 March 2012).

¹⁰ See the *Buff*y *The Vampire Slayer: Series 8* line of comics, published by Dark Horse Comics.

¹¹ See the *Serenity* series of comics, also published by Dark Horse Comics.

¹² For example, BE Peterson and ED Gerstein, 'Fighting and Flying: Archival Analysis of Threat, Authoritarianism, and the North American Comic Book' (2005) 26(6) *Political Psychology* 887-904.

¹³ For example, J Dittmer, 'Captain America's Empire: Reflections on Identity, Popular Culture, and Post-9/11 Geopolitics' (2005) 95(3) *Annals of the Association of American Geographers* 626-43.

¹⁴ For example, VW Gerde and RS Foster, 'X-Men Ethics: Using Comic Books to Teach Business Ethics' (2008) 77 *Journal of Business Ethics* 245-58.

¹⁵ For example, SM Squier, 'So Long as They Grow out of It: Comics, the Discourse of Developmental Normalcy, and Disability' (2008) 29 *Journal of Medical Humanities* 71-88.

¹⁶ For example, K de LaPlante, 'Making the Abstract Concrete: How a Comic Can Bring to Life the Central Problems of Environmental Philosophy' in J McLaughlin (ed), *Comics as Philosophy* (University Press of Mississippi, Jackson 2005).

¹⁷ See, for example, J McLaughlin (ed), *Comics as Philosophy* (University Press of Mississippi, Jackson 2005); T Morris and M Morris (eds), *Superheroes and Philosophy: Truth, Justice, and the Socratic Way* (Open Court, Chicago 2005).

¹⁸ See, for example, J Lovell, 'Nostalgia, Comic Books, and the "War against Crime!": An Inquiry into the Resurgence of Popular Justice' (2002) 36(2) *Journal of Popular Culture* 335-51; ND Phillips and S Strobl, 'Cultural Criminology and Kryptonite: Apocalyptic and Retributive Constructions of Crime and Justice in Comic Books' (2006) 2(3) *Crime Media Culture* 304-31.

¹⁹ See, for example, J Bainbridge, '"This is the Authority. This Planet is Under Our Protection": An Exegesis of Superheroes' Interrogations of Law' (2007) 3 *Law, Culture, and the Humanities* 455-76.

²⁰ For a meta-analysis of the justice themes of contemporary mainstream comics, see Phillips and Strobl (n 17).

oriented engagement with justice, the comics medium has much to offer the interdisciplinary study of law. This is not only in terms of comics' analytical potential as a narrative discourse on issues of law and justice, but also through engagement with comics' specific form as an epistemological exploration of the boundaries between word and image, and between rational and aesthetic ways of knowing.²¹ Law and legal knowledge are primarily concerned with text of various forms, with statutes and judgments, with articles and theory. As a broadly aesthetic or humanities-based approach to legal studies, engagement with various forms of art as alternative discourses on legal and jurisprudential issues is a key feature of law and humanities. Moreover, the relationship of the visual to the textual, of the aesthetic to the rational, and of all of these to the 'legal', are central concerns in law and humanities' interdisciplinary blending. The epistemological make-up of comics, their 'in-betweenness' as a distinctly visual-verbal art form that operates at the boundary between rationality and aesthetics, makes the medium of potentially great significance for a discipline, such as law, that is primarily concerned with describing and managing the world through the development, analysis, and application of ostensibly rational texts.

Although there is a developing body of enquiry into the cross-over between law and the visual,²² this work is not predominantly concerned with the *interaction* of word and image or the limits of text with respect to different ways of knowing, both of which are important considerations for law and legal theory with respect to their rational and textual limits. Douzinas and Nead, for example, observe a general opposition between the legal and the visual: 'Modern law is born in its separation from aesthetic considerations and the aspirations of literature and art, and a wall is built between the two... Art is assigned to imagination, creativity, and playfulness, law to control, discipline, and sobriety.'²³ Despite this oppositional relationship, Douzinas and Nead observe two major connections between the legal and the aesthetic: both law and art want to maintain themselves as legitimate and distinct;²⁴ and more integrally, law deploys various aesthetic elements, particular signs, dress codes, and symbolic images, that display and maintain law's socio-cultural position of authority.²⁵ Moreover, law can be seen as an aesthetic creation that denies its origins in human creativity.²⁶ These visual or aesthetic dimensions of law are certainly important to how law communicates and maintains its power, but they tell us little about the visual or

²¹ Note that Bainbridge (n 18), for example, may engage with comics, but only as a particular set of narratives – not as a distinctive mode of communication involving the interaction of words and images.

²² See, for example, C Douzinas and L Nead (eds), *Law and the Image: The Authority of Art and the Aesthetics of Law* (University of Chicago Press, London 1999); RJ Goldstein, 'Nineteenth-Century French Political Censorship of Caricature in Comparative European Perspective' (2009) 3(1) *Law and Humanities* 25; R Lippens, 'Gerard David's *Cambyse* and Early Modern Governance: Notes on the Geology of Skin and the Butchery of Law' (2009) 3(1) *Law and Humanities* 1.

²³ C Douzinas and L Nead, 'Introduction' in C Douzinas and L Nead (eds), *Law and the Image: The Authority of Art and the Aesthetics of Law* (University of Chicago Press, London 1999) 3.

²⁴ Ibid 4.

²⁵ Ibid 8-9. The image of Justitia, for example, is related to elements of legal philosophy and representations of the nature and role of law within a cultural and historical context. For a discussion on representations of Justitia, particularly focused on the addition of the blindfold, see M Jay, 'Must Justice Be Blind?: The Challenge of Images to the Law' in C Douzinas and L Nead (eds), *Law and the Image: The Authority of Art and the Aesthetics of Law* (University of Chicago Press, London 1999).

²⁶ Douzinas and Nead (n 22) 5. See also D Manderson, *Songs without Music: Aesthetic Dimensions of Law and Justice* (University of California Press, London 2000).

aesthetic as an alternative discourse to the traditional rationality of law,²⁷ or of the relationships between ‘text’ and ‘image’. Ronnie Lippens comes closer to examining the visual as an alternative discourse when he analyses the visual as a prophetic realm which manifests ideas in advance of more rational or textual constructions.²⁸ Analysing Gerard David’s *Cambyzes*, Lippens observes the emanation of a common idea of early modern governance in David’s visual work over ten years prior to its diverse articulations in later textual productions.²⁹ Whereas Douzinas and Nead suggest a relationship between rational text and aesthetic image of opposition or differentiation, Lippens suggests the ability of the visual’s indeterminacy or openness to pre-empt the ‘cleverness’ of the linguistic.³⁰ Lippens’s work may show the ability of images to articulate or ‘contain’ discourses on the concerns of law and justice, but, like Douzinas and Nead, his examinations of law and the visual only touch upon the complex and intricate relationships that exist between text and image and the implications these may have for legal theory. By moving towards the use of comics in legal studies, this article aims to engage more fully with text-image relationships, and the associated but more general relationships between the rational and aesthetic, in a legal context.

Words and Images

Comics can help us navigate the expansive epistemological landscape of interdisciplinarity. More specifically, the medium can bring insight to the relationships between multiple ‘ways of knowing’ (the visual, the rational, the aesthetic, the textual) that are no longer confined by the walls of epistemological certainty. Richard Weisberg observes the limits of our ability to understand or represent reality purely through the use of language, linking these limitations with the textual nature of legal knowledge,³¹ but rather than moving beyond or supplementing ‘text’ with other modes of knowledge he claims that we can change for the better the ways we use words and thus achieve a ‘just language’.³² Although this may remain a possibility, exploration or inclusion of non-textual dimensions of the aesthetic is also important. Comics are of particular relevance to law because they involve the interaction of words and images. This is a key dimension of the medium, both giving the form a special epistemological orientation and enabling its analysis to engage with important questions in relation to legal theory.³³ Despite the varieties of comics that exist, this confluence of the textual and visual generally runs through the medium on a

²⁷ Further, Douzinas and Nead’s (n 21) collection has been criticised for being disparate with respect to an overall unifying approach to both ‘law’ and the ‘image’. See A Baron, ‘Spectacular Jurisprudence’ (2000) 20(2) *OJLS* 301-15.

²⁸ Lippens (n 21) 6-10.

²⁹ See *ibid.* The textual works Lippens examines include those of Machiavelli (12-15), and Erasmus and More (15-20).

³⁰ See *ibid.*, 9-10.

³¹ See RH Weisberg, *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction* (Yale University Press, London 1984).

³² *Ibid.* 178.

³³ It should be noted that there are many comics works that are ‘silent’, which do not involve text boxes and bubbles: see, for example, the works discussed in DA Beronä, ‘Pictures Speak in Comics without Words: Pictorial Principles in the Work of Milt Gross, Hendrik Dorgathen, Eric Drooker, and Peter Kuper’ in R Varnum and CT Gibbons (eds), *The Language of Comics: Word and Image* (University Press of Mississippi, Jackson 2001). These types of work may have their own benefits to bring to a project such as law and literature, particularly since they manage to communicate without the aid of text at all, but they are not considered in any detail this article.

formal level. Specifically, this dual nature of comics exists on a boundary between linguistic and non-linguistic modes of representation; the challenges and limitations posed by this boundary are deep-seated issues for law and legal theory which rely heavily upon the use of language. Although some theories define comics by their use of sequential images, there is a general tension between the integration and separation of word and image. Integrating words and images allows comics to be read as a single coherent system of communication or artistic form, whilst maintaining their separation allows insight into word-image relationships which can deepen or problematise meaning.³⁴ In order to examine comics both as a narrative artistic form in its own right and one that, through its distinctive formal make-up, can enrich understanding of the relationships between text and image and thus assist us in an inclusive interdisciplinary world, we need not only to respect comics as a particular and unified cultural product but also be able to pick apart the differences and relationships between text and image operating in any individual comics work.

David Carrier argues for the unity of comics, defining the medium as:

...a narrative sequence with speech balloons... The speech balloon is a defining element of the comic because it establishes a word/image unity... [The comics medium is] neither a purely verbal nor a strictly visual art form, but something radically new... a composite art... [with] verbal and visual elements seamlessly combined.³⁵

Adopting a slightly more nuanced stance, Henry John Pratt, distinguishes between the 'literary' and 'pictorial' dimensions of comics, observing that both participate in narrative construction.³⁶ Under Pratt's definition there are problems at comics' boundaries with both film and literature. Pratt expressly considers film: although both involve the use of sequential images to construct a narrative, comics' literary dimension (involving a physical similarity with the prose novels, accessed individually, at our own rate, and in book form³⁷) is what distinguishes comics from film.³⁸ With respect to literature, the requirement for comics images to constitute a pictorial narrative may generally exclude prose, but children's books often involve sequences of images that are integral to narrative articulation without sitting comfortably as 'comics'.³⁹

More nuanced still, Will Eisner⁴⁰ and Scott McCloud both examine the distinction between words and images. Like McCloud, who holds comics to be 'Juxtaposed pictorial and

³⁴ R Varnum and CT Gibbons, 'Introduction' in R Varnum and CT Gibbons (eds), *The Language of Comics: Word and Image* (University Press of Mississippi, Jackson 2001).

³⁵ D Carrier, *The Aesthetics of Comics* (Pennsylvania State University Press, University Park PA 2000) 4.

³⁶ HJ Pratt, 'Narrative in Comics' (2009) 67(1) *The Journal of Aesthetics and Art Criticism* 107-17, 107.

³⁷ See *ibid*, 109-10. Pratt notes (114) that although both comics and film arguably involve a sequence of images that construct a narrative, comics involve multiple images 'simultaneously present in different spaces, whereas the frames and shots of a film are projected on the same space at different times', and at a speed we as audience do not control.

³⁸ See also A Moore, *Alan Moore's Writing for Comics* (Avatar Press, Rantoul, IL 2010) 3-4.

³⁹ Desmond Manderson, for example, in his analysis of law and the socialisation of children in Maurice Sendak's *Where the Wild Things Are* includes accompanying illustrations as part of the narrative communication in his discussion at a number of points: see D Manderson, 'Where the Wild Things Really Are: Children's Literature and the Law' in MDA Freeman (ed), *Law and Popular Culture* (Oxford University Press, Oxford 2004) 51, 52, 58, 63, 66, 69-70.

⁴⁰ Will Eisner (1917 – 2005) is probably most famous for his 'Spirit' comics of the 1940s and 50s. He is widely credited with 'inventing' the graphic novel form of comics with his 1978 'A Contract with God', which helped lead to the maturation of the comics medium through a more coherent narrative format than the sprawling instalments of traditional comic books. (Note, however, that he did not coin the term himself: see RC Harvey,

other images in deliberate sequence',⁴¹ Eisner does not see the combination of words and images as inherent in the comics form. He does argue, however, that comics involve 'a successful crossbreeding of illustration and prose', requiring the reader 'to exercise both visual and verbal interpretive skills'.⁴² Using an example panel, he observes how images can operate in a similar way to language:

A description of the action in this panel can be diagrammed like a sentence. The predicates of the gun shooting and the wrestling belong to separate clauses. The subject of 'gun shooting' is the crook, and [the character] Gerhard is the direct object. The many modifiers include the adverb 'Bang, Bang' and the adjectives of visual language, such as posture, gesture, and grimace.⁴³

For Eisner, this is more than a metaphor for interpreting images. The separation between 'words' and 'images', he argues, is arbitrary since historically they derive from a single origin:⁴⁴ 'Words are made up of letters. Letters are symbols that are devised out of images, which originate out of familiar forms, objects, postures and other recognizable phenomena. So, as their employment becomes more sophisticated, they become simplified, abstract.'⁴⁵ McCloud similarly argues that the earliest words were actually stylised pictures, and as images and language developed the two became separated:⁴⁶ 'By the early 1800's, western art and writing had drifted about as far apart as was possible. One was obsessed with resemblance, light and color, all things visible... the other rich in invisible treasures, senses, emotions, spirituality, philosophy.'⁴⁷ The images we see as words, and thus approach and interpret in a certain way, are merely deemed to be so by convention; words are not naturally occurring.⁴⁸ In the comics medium the boundaries between words and images, otherwise so common as to appear 'natural', are broken down and they are able to operate as a whole. Neither word nor image, the textual-visual interaction in comics produces a particular and distinct mode of communication that transcends the conventional boundaries between the linguistic and the pictorial.

We can see an example of this in Figure 1, an extract from Eric Drooker's wordless narrative *Flood!*,⁴⁹ which gradually simplifies the images and reduces the size of the panels on the page. The hero becomes more and more stick-like, the images becoming more and

'Describing and Discarding "Comics" as an Impotent Act of Philosophical Rigor' in J McLaughlin (ed), *Comics as Philosophy* (University Press of Mississippi, Jackson 2005) 20.) His name is given to one of most prestigious comics industry awards. For more information, see the biography on his official website: 'Will Eisner: Biography' <http://willeisner.com/biography/index.html>, accessed 24 April 2010.

⁴¹ McCloud (n 1) 9. Note that some writers have argued that comics may actually be a unique subset of 'pictorial narrative', thus distinguishing between different types of image sequence (for example, the Bayeux Tapestry is not the same as *Superman*): see Harvey (n 39).

⁴² W Eisner, *Comics and Sequential Art: Principles and Practices from the Legendary Cartoonist* (WW Norton, London 2008) 2.

⁴³ Ibid.

⁴⁴ Ibid 7.

⁴⁵ Ibid 8.

⁴⁶ McCloud (n 1) 141-5.

⁴⁷ Ibid 145, ellipsis in original and emphasis removed. David Carrier makes a related point: 'Speakers of a language, like those who have mastered any convention, find it so "natural" that reflection is needed to recall that it is a convention' Carrier (n 34) 45.

⁴⁸ It should be noted, however, that this argument only applies to written language; words themselves have other characteristics beyond their visual representation, such as their aural character as sound-forms.

⁴⁹ E Drooker, *Flood! A Novel in Pictures* (Dark Horse Books, Milwaukee 2007).



Figure 1: Extract from Drooker's *Flood!*.

more like symbols, moving toward the beginnings of development into language.⁵⁰ Moreover, this particular excerpt involves the hero interacting with the criminal justice system, with his experiences of judgment and imprisonment being communicated through quasi-symbolic images of a courtroom and prison bars. In the short narrative segment of Figure 1, an individual is brought before a judge, is sentenced and imprisoned, is seen suffering in his dingy cell, is released, and feels the joy of freedom – the arguable suggestion being that he has achieved some level of rehabilitation, or at least remorse or regret. This basic narrative encapsulates how an ideal criminal justice system arguably 'should' work: judgment, followed by punishment, followed by rehabilitation.⁵¹ And this is communicated without recourse to the rational language typically demanded by law, demonstrating not only the depth that the trappings of criminal justice are embedded in contemporary visual culture, but also the possibility of articulating criminal justice ideals without the sophistication of words.

Although the only genuine distinction between words and images may rest on the basis of convention, these conventions also mean we cannot ignore the separation of words and images. Written language's rich array of conventions inform and influence how words are both used and read; images, too, have associated methods of interpretation. Although the reading conventions of both text and image can be manipulated and challenged, to conflate the two under a single interpretative strategy overlooks the expansive ways in which they can each communicate, and destroys any juxtapositions or interrelations between written text and image that may be a profound source of meaning and insight. Comics may be a distinctive and unified artistic form (rather than the mere conjunction of words and images), but this does not mean we have to ignore the differences between pictures and written

⁵⁰ See Beronä (n 32) 34–6.

⁵¹ There are obviously many issues and much work relating to what ideals should shape a criminal justice system, from retributivism to utilitarianism, from the death penalty to reintegration, from public protection to punishment, from moralism to harm theory, from abstract rules to contextual concerns (on this point, note that the hero in Drooker's work was imprisoned for stealing money out of desperation). For more on this expansive topic, see, for example, B Hudson, *Understanding Justice: An Introduction to Ideas, Perspectives, and Controversies in Modern Penal Theory* (2nd edn Open University Press, Buckingham 2003); A Norrie, *Crime, Reason, and History: A Critical Introduction to Criminal Law* (Butterworths, London 1993); L Alexander, 'The Philosophy of Criminal Law' in J Coleman and S Shapiro (eds), *Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford University Press, Oxford 2004); J Horder, 'Criminal Law' in M Tushnet and P Cane (eds), *Oxford Handbook of Legal Studies* (Oxford University Press, Oxford 2005); L Pojman, 'Justice as Desert' (2001) 1(1) *Queensland University of Technology Law and Justice Journal* 88–109.

language. By recognising both the convergence and divergence of words and images we can access the potentially rich interrelations of the visual and verbal aspects of comics whilst maintaining its unity as a coherent art-form.

In comics, Charles Hatfield argues, 'visible language has the potential to be quite elaborate in appearance, forcing recognition of pictorial and material qualities that can be freighted with meaning... conversely, images can be simplified and codified to function as a language.'⁵² An example of the complex and shifting relationship between the visual and the textual in comics can be seen in Figure 2.⁵³ In this figure, particularly the second panel, we see the visual dimensions of text being manipulated and stylistically blended with the image. Dave McKean's depiction of Joker, Batman's arch-enemy, portrays the character's maniacal nature, an unsettling lunacy that bleeds over into the jagged and messy text. The content of this particular segment of the narrative further plays upon the conventional distinction between words and images. In the first panel Batman claims he is safe from the word-association game that Joker is proposing he play (with the depicted psychotherapist Adams), but this 'only words' assertion is instantly undermined in the second panel where Joker's ironic speech-text is freighted with visual meaning, and further undermined three pages later when the psychological word-game gets under Batman's skin and the deep pain of his parents' murder is brought to the surface.⁵⁴ Batman's naïve 'only words' assumption overlooks the nature of language as a rich method for articulating meaning; the rational operation of language constantly bleeds over into the emotional, the sensual, and the symbolic – the aesthetic – as we experience it through or in our imaginations. What Figure 2 shows is that this bleeding does not only take place in relation to the meaning that words suggest in our minds, as they did in the word-association game that touched the raw nerves of Batman's psyche, but can also occur in the visual dimensions of words' textual form.

⁵² C Hatfield, *Alternative Comics: An Emerging Literature* (University Press of Mississippi, Jackson 2005) 36-7.

⁵³ This is an excerpt from Morrison and McKean's *Batman* graphic novel: see G Morrison and D McKean, *Arkham Asylum: A Serious House on Serious Earth* (Titan Books, London 2010) 41.

⁵⁴ See Morrison and McKean (n 52) 44-45. The murder of Bruce Wayne's parents, which the young Wayne witnessed first-hand, is perhaps the most central event that influences his all-consuming fight for justice as Batman. See, for example, F Miller and D Mazzucchelli, *Batman: Year One* (Titan, London 1988) 20-2.



Figure 2: Extract from Morrison and McKean's *Arkham Asylum*.

Due to this blurring of 'words' and 'images', Hatfield observes two different ways of codifying information or meaning, two different codes of signification, at work in comics. Rather than a sharp delineation between word and image, he makes a distinction between symbols that 'show' (diegetic images representing narrative events) and symbols that 'tell' (non-diegetic words, balloons, or familiar icons).⁵⁵ This 'codification', coupled with the fluid boundaries already highlighted between words and images, implies an arbitrariness in using linguistic representations to understand the world. This is a fundamental point in relation to law and legal theory; it questions the need to adhere to language in order to understand and order our experiences and values.

Words and images are not like boxcars freighting reality around; they do not simply leave the scene once their load of meaning has been dumped in our minds. The language we use, like the technological forms of communication we inherit from the culture around us, helps to create the reality we live in. And as the means of communication change so too does our sense of ourselves, others, and the world around us.⁵⁶

This quotation from Richard Sherwin argues that form is integral to the meaning available from any particular representation; accordingly, as Douzinas and Nead highlighted earlier, the indeterminacy of images, their relative formlessness in relation to rational meaning and interpretation, leads to their general opposition to the rational requirements of legal understanding.⁵⁷ Capitalising on the indeterminacy that arguably also exists with respect to

⁵⁵ Hatfield (n 51) 39-41.

⁵⁶ RK Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (University of Chicago Press, London 2000) 27.

⁵⁷ See quotation at n 22. See also Lippens (n 11) 9-10 regarding the relative indeterminacy of images with respect to the 'cleverness' and 'reason' generally found in textual expositions.

the interpretation of linguistic texts,⁵⁸ the softening of the boundaries between words and images in the comics form raises a significant challenge to the linguistic tendency of legal representation and understanding. Put differently, the ‘in-betweenness’ of comics – the interaction of different modes of representation, of the textual and the visual – challenges the boundaries that keep the visual and the aesthetic separate from the domains of text and rational knowledge. This visual-textual interaction is part of what makes comics a potentially rich source of critical insight that allows us to move away from the need to build walls around hegemonic ways of knowing.

Rationality and Aesthetics

If the comics medium is to be properly made use of in a critical context, we need to read it in a way that is sensitive to its epistemological and interpretive complexities. Importantly, and deriving from comics’ distinctive ‘in-betweenness’, these complexities involve the interaction not only of word and image, as we have just discussed, but also of different ways of knowing. That is, comics’ epistemological interaction situates the medium not only at the intersection of the textual and visual, but also of rational and aesthetic articulation. Anne Baron observes that aesthetics has two broad aspects: one which sees aesthetics as discourse on beauty and taste, and one which sees it as a branch of philosophy alongside that of science and morality.⁵⁹ Reading the aesthetic as an alternative discourse on issues of law and justice involves treating it philosophically rather than simply engaging with the analysis of works of art as an assessment of ‘taste’; but even within this type of aesthetics Baron observes a split between analytic philosophy, focused on the nature and value of ‘art’ as a specific cultural form, and broader continental philosophy. Immanuel Kant’s *Critique of the Power of Judgment* is arguably the founding work of philosophical aesthetics,⁶⁰ at least in any systematic sense.⁶¹ Whilst analytic philosophy reads Kant as successfully dividing science, morality, and aesthetics into separate concerns, continental philosophy reads Kant as blurring the boundaries between these realms. Whilst analytic philosophy takes the separation to mean that aesthetic concerns of taste and beauty can be ignored in favour of ‘more important’ matters of morality and science, continental philosophy’s nuanced reading of Kant de-emphasises some aesthetic elements (beauty, taste) whilst reworking others, such as the sublime.⁶² Part of this reconsideration involves a return to the classical notion of aesthetics as the perceptions of the senses, a view which infuses all human experience with an overtly aesthetic quality.⁶³ This broader view makes the segregation of aesthetics into the minor concerns of ‘taste’ dismissive and inappropriate; the aesthetic is actually central to

⁵⁸ For an overview of this perennial ‘indeterminacy’ debate (ostensibly a conflict between objectivism and subjectivism or anti-foundationalism), see chapters 2 and 3 of I Ward, *Law and Literature: Possibilities and Perspectives* (Cambridge University Press, Cambridge 1995). For key examples of opposing opinions in a legal context, see O Fiss, ‘Objectivity and Interpretation’ (1982) 34 *Stanford Law Review* 739-63 on one side and SE Fish, *Doing What Comes Naturally: Change, Rhetoric, and Practice of Theory in Literary and Legal Studies* (Duke University Press, London 1989) on the other.

⁵⁹ Baron (n 26) 302-3.

⁶⁰ Ibid 302.

⁶¹ D Crawford, ‘Kant’ in B Gaut and DM Lopes (eds), *The Routledge Companion to Aesthetics* (2nd edn Routledge, Abingdon 2005) 55.

⁶² Baron (n 26) 303.

⁶³ Manderson (n 25) subscribes to this view, as will be seen below. Elaine Scarry also has a broad understanding of aesthetics: see generally E Scarry, *On Beauty and Being Just* (Duckworth, London 2000).

how we experience the world, not merely the concern of analytic philosophers of art. It is within this continental tradition that the aesthetic can be read as an alternative discourse, and the various interacting complexities and dimensions of the comics medium can be accessed.

We have already seen that comics involve the interaction of word and image; more generally, Eisner tells us, reading comics is both an *aesthetic perception* and an *intellectual pursuit*.⁶⁴ It involves both the sensory perception of visual images and the intellectual decoding of conceptual symbols of language. The work of Desmond Manderson examines aesthetic perception in the context of legal theory. Against the assumption that all philosophy is based on reason, Manderson notes that aesthetics was traditionally seen as an alternative method of discovering truth.⁶⁵ Nietzsche, for example, reacted against the orthodoxy of the rational, giving ‘a clarion call to attack the hegemony of reason in the construction of values’, asserting that philosophy must justify itself to aesthetics.⁶⁶ Manderson argues that aesthetics cannot give us a route to objectivity since the beauty and worth of an artistic work is too contingent upon context and subjective response; rather, aesthetics is ‘a way of knowing’ that does not rely on logic and rationality⁶⁷ but runs from our culturally and personally embedded contexts.⁶⁸ Manderson argues that we engage with the world on an aesthetic level, not merely with logic: ‘We do not listen with our ears only, but with our minds and with a whole cultural framework which sustains us’.⁶⁹ Thus Manderson’s aesthetics is linked with sensory perception; it ‘suffuses our engagement with everything about us’,⁷⁰ including our interaction with logic and reason:

Reason and aesthetics stand not in hostile counterpoint. Each in its own way is engaged in making of the bare bones of life a human being. Nothing remains untouched by the aesthetic temperament – not even that most ostensibly rational of human endeavours, the law.⁷¹

Manderson argues that we cannot escape our cultural context or our aesthetic engagement, even when we are being rational; the aesthetic imbues everything we experience, indeed it is *how* we experience.

Alongside aesthetic perception, the notion of intellectual pursuit implies the use of reason and logic. The aesthetic, as we have seen, is associated with sensory experience; it is thus not solely linguistic but also highly visual (as well as embodied). Although language has the potential to be strongly aesthetic, on a legal level language has an overtly rational dimension which may be unable properly to describe the richness of aesthetic experience, particularly in relation to legal constructions, which are associated with linguistic rationality in the way they model reality.⁷² This association does not reductively equate the

⁶⁴ Eisner (n 41) 2.

⁶⁵ Manderson (n 25) 5-7.

⁶⁶ Ibid 7. See also, regarding the justification of the world only as aesthetic phenomenon, F Nietzsche, *The Birth of Tragedy* (D Smith tr Oxford University Press, Oxford 2000) 38.

⁶⁷ Manderson (n 25) 8-11.

⁶⁸ Ibid 18.

⁶⁹ Ibid.

⁷⁰ Ibid 21-3.

⁷¹ Ibid 24.

⁷² See Weisberg (n 30). See also, regarding the rational and scientific underpinnings of law in a criminal context, L Farmer, ‘Time and Space in Criminal Law’ (2010) 13(2) *New Criminal Law Journal* 333-56.

visual with the aesthetic and the linguistic with the rational: there are obvious examples where the visual can be rational (such as a technical diagram) and the linguistic can be strongly aesthetic (such as literature and poetry). The comics form may be both rational and aesthetic in its construction, but these dimensions do not map neatly onto comics' text and image respectively. The form entails overtly rational elements, such as the operation of language and the representational and logical associations between images, text, and real-world referents; it is also profoundly aesthetic, in its symbolism, visual layouts, physical form, and its principal status as a narrative or affective art-form that we 'experience' as readers. Comics' rational elements are accordingly embedded within its aesthetic form, just as our engagement with rational law is filtered through our aesthetic perception of the world for Manderson.

We can see the dual layers of rational and aesthetic elements at work in Figure 3, taken from Neil Gaiman's *Sandman* series.⁷³ Like the flow of language, there is an implicit logic involved in the sequential progression of comics' panels. As we read, we logically move from one image to the next, left to right, top to bottom. The general regularity of the panel grid in Figure 3 operates on this logical basis, but is transcended by the large portrait that fills the entire page. This imposition of the panel-grid over the portrait has a number of interesting effects, related to the interaction of the rational and the aesthetic. Firstly, it gives a logical sense of time to the narrative, given that panel progression usually takes place as things change and move over the course of a story. This is played upon half-way down the page, where the regularity of the grid subtly changes at a key point in the character's narrative: his first kill that irrevocably changes him. The logical progression of the grid is manipulated via its visual arrangement, its aesthetic dimensions, to articulate a non-rational, experiential aspect

⁷³ This particular page comes from Volume 2 of the collected Sandman Library: see N Gaiman, *The Sandman: The Doll's House* (Titan Books, London 1995) 166.



Figure 3: Extract from Gaiman's *The Sandman*.

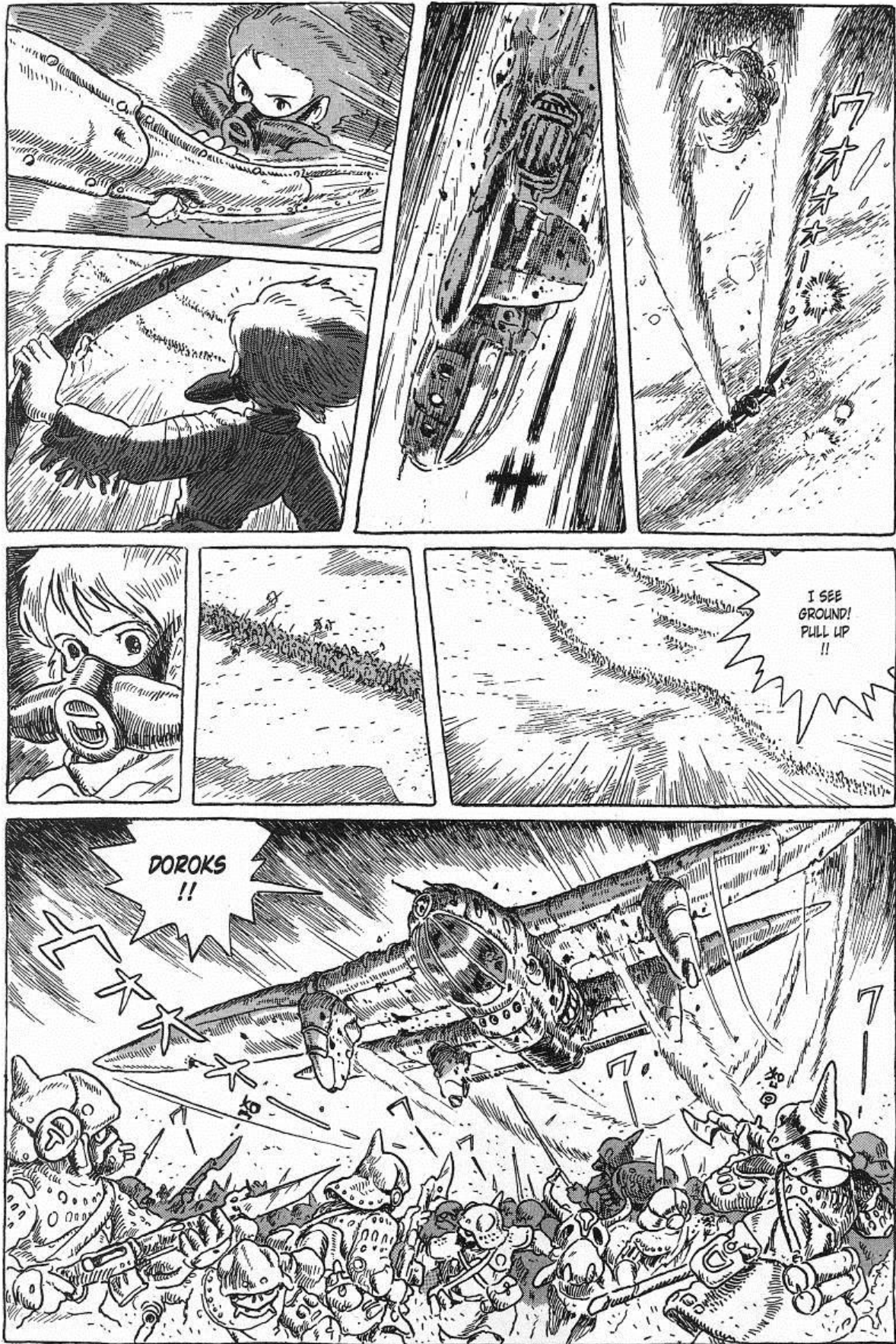


Figure 4: Extract from Miyazaki's *Nausicaä*.

of the narrative. Secondly, the aesthetic image of the grid itself, beyond the logical order it imposes, gives the suggestion of window panes, implying that we are seeing ‘through the window’ into the character’s mind or soul (this is reinforced by the disturbingly intimate content of character’s speech). Thirdly, and related to this second point, the grid also implies a cell or prison, within which the character is trapped, ensnared by the urges he cannot control. This reading of the window/prison also suggests a fourth reading, tapping into the ways that rational knowledge can shape legal understanding, particularly in relation to criminal justice: just as the contextual richness of individual experience, the sensual phenomenology of criminal action, arguably escapes the abstract rational description of general legal categories⁷⁴ and orthodox criminological knowledge,⁷⁵ so the character escapes the grid, transcending its visual logic of narrative progression, and in doing so remains trapped behind it as an aesthetic image only glimpsed through the general order of its panels or panes. Figure 3, with the richly textural image that lurks, almost photo-realistic, behind the rational logic of the panel-grid, thus plays upon the dual layers of rational logical operation and aesthetic affect and sensory experience that the comics form navigates in general. It is an example of how particular works of comics can tap into the symbolic dimensions of the medium’s epistemological make-up.

This specific page from *Sandman* is perhaps not representative of a typical or mainstream comics page, but even in relatively ‘normal’ comics articulation we see the manipulation of the form’s logical and rational elements (panel layouts, visual associations, the logic of space and time) towards aesthetic or experiential ends. In Figure 4, for example, we can see the page-layout being shifted and organised in a way that articulates the thrill and dynamism of an action sequence, lending an immersive quality and a feeling of excitement to a narrative form that ostensibly operates through the rational progression of static images.⁷⁶ This example, being from the Japanese manga tradition, also reinforces the logical associations between linguistic and comics reading, as it is read from right to left, like Japanese text, whilst Anglo-American comics (and bande dessinée) are read left to right, like English (and French) text.

The comics medium represents a meeting of reason and aesthetics, but a meeting that does not rely upon strict differentiation or opposition. Reason and logic are part of our experience, they are not separate from it; they are not entirely removed from the aesthetic realm; they are not in contention with our senses. Similarly, the logic of linguistic operation, of panel progression and visual representation, are part of the comics image, part of its aesthetic field, part of its articulation of narrative experience, not separate from it or outside it. As it is for words and images, the comics medium is a meeting point for the rational and the aesthetic where their uncertain boundaries are exposed. As Manderson’s insights suggest, our intellectual pursuits are themselves perceived aesthetically, including our building of ‘rational’ legal structures and theory. Comics can be understood as an example

⁷⁴ See for example, regarding criminal categories specifically, A Norrie, *Punishment, Responsibility, and Justice: A Relational Critique* (Oxford University Press, Oxford 2000); and regarding legal knowledge generally, Weisberg (n 30).

⁷⁵ See, for example, J Ferrell, K Hayward and J Young, *Cultural Criminology: An Invitation* (Sage, London 2008). For a psychological exploration of the sensual dimensions of criminality, see J Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (Basic, New York 1988).

⁷⁶ This page comes from Hayao Miyazaki’s manga series: see H Miyazaki, *Nausicaä of the Valley of the Wind, Volume 3* (VIZ Media, San Fransisco CA 2008) 59.

or emanation of the interconnection of reason and aesthetics, of how legal knowledge may rely upon seemingly ‘reasonable’ ways of understanding through language and logic but that these ways of knowing are embedded within and experienced through aesthetic frameworks and can be manipulated towards sensual ends. This epistemological make-up enables the form to explore the complex boundaries between these two ‘ways of knowing’ that are at work in the way the world is understood both generally, and specifically with respect to legal knowledge. Comics thus enable the enrichment of understanding not only through engagement with the emotional dimensions of narrative art, but push analysis further by encountering the complex intersections of different forms of knowledge and the types of understanding they allow, thus both radically challenging orthodox legal knowledge and engaging with alternative forms of understanding.

Metaphysics of Comics

Comics are of profound importance to law in relation to the questioning of the boundaries of the rational and linguistic with the aesthetic and the visual. The form, by being ‘in-between’ and involving the interaction of multiple ways of knowing, assists us in navigating a world where the walls around law and the textual have been broken down. Images, as well as words, may have shifting and variable meaning dependent upon the context of where they are being read, for what purpose, and from what medium or artistic form they have been selected. Sherwin observes the instability of meaning in our ‘late modern’ world where the plethora and proliferation of visual images, our increasing ability to access and control what we see, and increasing forms of communication, all play into the destabilisation of meanings. The contingency of meaning is increased, bringing doubt, uncertainty, and a loss of rationality. Accordingly, we have to *create* our own meanings, rather than ‘discover’ them.⁷⁷ In the comics medium, our need to create meaning rather than discover it is made overt. In order to read comics the various images and interrelations perceived from the page surface need to be synthesised into some kind of coherent narrative. The synthesis of diverse or separate elements into a coherent whole is captured in the term ‘closure’, which McCloud claims is central in the comics form. This closure occurs in the ‘gutter’ (the usually blank space between panels); as we move between images in the reading experience we are forced to make associations in order to construct the depicted events in our imaginations.⁷⁸ The images in a comic are selected, by its creator(s), from an almost infinite number of possible images that could constitute the story being told, and this selection directly and functionally informs the progression and operation of a narrative. Comics’ visual narration involves ‘arbitrarily breaking up the flow of uninterrupted experience into segments of “frozen” scenes’,⁷⁹ and closure essentially involves the subjective reconstruction of that experience in the reader’s imagination. As McCloud observes, giving a rudimentary example showing an axe being raised in one panel followed by a second panel showing simply a scream, although the artist draws the images, it is the reader who lets the axe drop, and decides how hard the blow, and who screams, and why.⁸⁰ This observation does not only expose how it is us, as readers, who ‘fill’ the blank space of the gutter with our own imaginings, but also suggests

⁷⁷ See Sherwin (n 55) 6-9.

⁷⁸ McCloud (n 1) 62-9.

⁷⁹ See Eisner (n 41) 39-40, quotation at 40.

⁸⁰ See McCloud (n 1) 68.

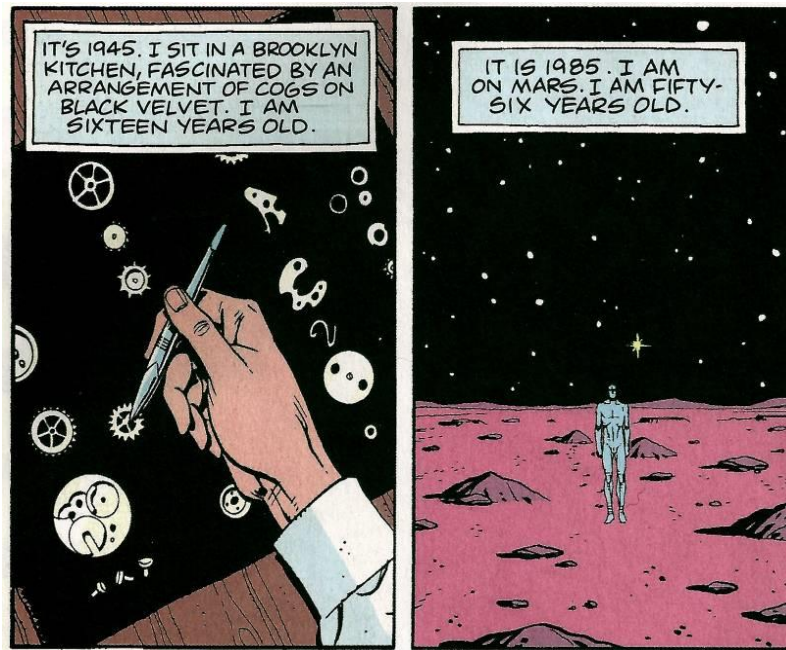


Figure 5: Extract from Moore and Gibbons's *Watchmen*.

the intimacy that this interactive and creative process can foster.⁸¹ As Hatfield notes, the reader's role is *active and crucial* to the success of the form's communication due to the necessity of the reader to achieve closure.⁸²

This closure process embeds something of our ability, as humans, to experience and understand reality through our physical senses into the comics form. In Figure 5,⁸³ the links between reading comics and understanding existence can be seen with respect to closure. In the first of the two panels a sixteen-year-old boy (Jon Osterman) is represented by the human hand exploring the workings of a watch mechanism. In the second panel, a very different being is portrayed: Dr Manhattan. Manhattan experiences the world on a sub-atomic level, can teleport, is able to manipulate physical matter, and see all of time and space. Although there is a vast difference between the human boy (located in Brooklyn) and the powerful and seemingly 'alien' adult (located on Mars), they are the same person; following a common narrative trope of superhero comics, Osterman becomes Manhattan following a scientific accident.⁸⁴ The distances of both time and space that are traversed between the two panels in Figure 5 are thus extremely large, and the size of the leap the reader must undergo reinforces the radical shift in self that Osterman/Manhattan experiences.

⁸¹ See also Pratt (n 35) 111-5.

⁸² Hatfield (n 51) 41.

⁸³ This excerpt is taken from the graphic novel *Watchmen*: see page 2 of Chapter IV of A Moore and D Gibbons, *Watchmen* (Titan Books, London 1986).

⁸⁴ Note that one of the overall themes of *Watchmen*, from which this example is taken, works to undermine the historical association of comics with the juvenility of superhero narratives. Hence, *Watchmen* portrays, amongst other things, flabby middle-aged men dealing with the psychological neuroses surrounding actually dressing up in spandex and going out to fight crime, and the political tensions between 'masked adventurers' and legitimate state policing. Dr Manhattan, however, actually attains 'true' superpowers, and is 'adopted' by the US government and 'marketed' to its enemies as the ultimate weapon, whilst simultaneously highlighting the frailty and inadequacy of those who simply put on costumes to become 'super'.

The Humean notion of memory as able to synthesise the diverse experiences of life into a coherent self, or more specifically a narrative or ‘fiction’ of the self,⁸⁵ shares many similarities with this example of narrative closure. As Wayne Morrison explains, under Hume ‘memory allows the imagination to shape a series of somewhat related perceptions into a unity to create a fiction of the self, through which order can be made of otherwise chaotic [or diverse] presentations.’⁸⁶ In ‘reading’ Figure 5, two diverse presentations are linked together via the reader’s imaginative closure to suggest a single, continuous individual. At the heart of the operation of the narrative form of comics can thus be seen an element of how we understand the narratives of our lives, and of our selves, under a Humean model of memory. Moreover, we can think of closure more broadly, in relation to understanding the world in general rather than just identity; under Kantian metaphysics, for example, we see only parts of things filtered through our senses, we do not see ‘things in themselves’, and yet we are able to synthesise our experiences into seemingly coherent wholes.⁸⁷ Comics can thus be seen to exploit these views on our fundamental participation in creating understandings of the world, our synthesis of experience into both reality and self, in order to solicit our participation in the construction of narrative and diegetic worlds. The interaction of form and content in Figure 5 manifests not only a fundamental issue in our understanding of identity, but also in our synthesis of experience into coherent knowledge as we construct understandings of reality. This is one example of how a comic, when read in a way sensitive to its formal and narrative dimensions, can tap into the interacting and multiple ways in which we are able to ‘make sense’ of the world and the people, including ourselves, who inhabit it. This example takes our involvement in the subjective synthesis of diverse forms in the reading of comics and links it with our very ability to develop knowledge from subjective interpretations of sensual experience.

Aesthetics, as we have seen, involves sensory experience; but it also involves, as Adam Gearey states, the ‘energy to mandate the form of the world, to create oneself... [and] the courage to will and ethics.’⁸⁸ Nietzsche states that:

True philosophers reach for the future with a creative hand and everything that is and was becomes a means, a tool, a hammer for them. Their ‘knowing’ is *creating*, their creating is a legislating, their will to truth is – *will to power*.⁸⁹

And Gearey reads Nietzsche’s ‘will to power’ as presenting ‘the essence of the human as the need to evaluate [and continuously re-evaluate] the world’,⁹⁰ linking it with our creation of the world through the production of knowledge. Applying this reading of Nietzsche to law,

⁸⁵ See D Hume, *A Treatise on Human Nature* (Penguin, London 1969).

⁸⁶ W Morrison, *Jurisprudence: From the Greeks to Post-Modernism* (Cavendish, London 1997) 116.

⁸⁷ See I Kant, *Foundations of the Metaphysics of Morals* (LW Beck tr Bobbs-Menil, Indianapolis 1959) 69-70. For Kant, our knowledge of the world derives from what we are able to experience and how we can synthesise those experiences into coherent knowledge. It is a product of what and how it is possible to know (see Morrison (n 85) 135). Christine Battersby observes how it is the idea of coherent and unitary self (Kant’s transcendental self) that grounds our ability to synthesise manifold sense-data into the experience of a coherent world: see C Battersby, *The Phenomenal Woman: Feminist Metaphysics and the Patterns of Identity* (Polity Press, Cambridge 1998) 63-8.

⁸⁸ A Gearey, *Law and Aesthetics* (Hart, Oxford 2001) 51. See also F Nietzsche, *Thus Spoke Zarathustra* (AD Caro and R Pippen eds AD Caro tr Cambridge University Press, Cambridge 2006) 42-4.

⁸⁹ F Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future* (R-P Horstmann and J Norman eds J Norman tr Cambridge University Press, Cambridge 2002) 106.

⁹⁰ Gearey (n 87) 67.

Gearey claims further that through our will to power we evaluate the world, and thus must take responsibility for our measurements, our interpretations of the world, including the resultant legal and moral structures that we create – we must will the law.⁹¹ Importantly, our interpretations of the world, the structures we create, derive from aesthetic experience – from the synthesis of the perceptions of our limited human senses; our worldly and legal knowledges derive from (the closure of) sensory experience, and we are responsible for them.

The boundaries or limitations of our senses and, more significantly, of what is rationally knowable are encountered in the Kantian sublime; like comics, the sublime is a place where rationality and aesthetic sensuality meet. The sublime relies upon the metaphysical division between the world of appearance or experience (Kant's phenomenal) and 'true reality' which remains inaccessible behind the veil of appearances (the noumenal). For Kant, we maintain our understanding of the world as coherent by accepting the primacy of reason as we aesthetically experience, in the face of the sublime, that which threatens rational order.⁹² Nietzsche's aesthetic metaphysics reconfigures the Kantian sublime by denying any depth beneath the surface, modelling reality rather as an infinitely complex surface which cannot be known in its entirety.⁹³ Indeed, for Nietzsche there is nothing beyond the surface of life:

...the creative spirit who is pushed out of any position 'outside' or 'beyond'... whose solitude will be misunderstood by the people as though it were a flight *from* reality –: whereas it is just his way of being absorbed, buried and immersed in reality.⁹⁴

For Nietzsche, the aesthetics of the sublime is not associated with the veiling of true reality; there is only surface, but this surface is far more rich and complex than pure reason can comprehend,⁹⁵ it is something in which one can become 'absorbed, buried, and immersed'. As Christine Battersby terms it, the surface is 'folded' with multiple perspectives, rendering it 'neither simply a plane nor a façade', nor able to be comprehended in its entirety.⁹⁶ Under this 'metaphysics of surface' reason does not give us 'truth' but is merely one way of knowing amongst many potential methods of synthesising the complexity of life. The

⁹¹ See Gearey (n 87) 51-76.

⁹² C Battersby, *The Sublime, Terror, and Human Difference* (Routledge, London 2007) 28-31; I Kant, *Critique of the Power of Judgment* (P Guyer and E Matthews trs Cambridge University Press, Cambridge 2000) 128-51.

⁹³ See Battersby (n 91) 160.

⁹⁴ F Nietzsche, *On the Genealogy of Morality* (K Ansell-Pearson ed C Diethe tr Cambridge University Press, Cambridge 1997) 66.

⁹⁵ Berrios and Ridley note a similar move in the development of Nietzsche's aesthetics: '...the appearance/reality distinction is not a distinction between two logically differentiated "worlds" – an apparent one [surface] and a real one [beyond or beneath the surface] – but a distinction that falls squarely within the ordinary, everyday world of actual experience.' R Berrios and A Ridley, 'Nietzsche' in B Gaut and DM Lopes (eds), *The Routledge Companion to Aesthetics* (2nd edn Routledge, Abingdon 2005) 99.

⁹⁶ Battersby (n 91) 182. Nietzsche's claim that there is no 'true' reality 'beneath' the surface accordingly can be seen in Nietzsche's philosophical method. Rather than following a logical path of discussion, as traditional philosophical discourse tends to do, Nietzsche instead gives short vignettes, aphorisms, and snapshots of his topics. These 'viewpoints' gradually build up the details and various emanations of Nietzsche's thought in different contexts, around different 'folds' in the surface. Although not explained in terms a 'metaphysics of surface', Rolf-Peter Horstmann, for example, observes this perspectival approach in his introduction to *Beyond Good and Evil*: see Nietzsche (n 88) xxiii. This approach can also help to explain why Nietzsche's philosophy is notoriously difficult to synthesise into a coherent and non-contradictory whole.

‘rational order’ we create can never achieve true unity or objective truth, instead remaining always partial and limited, deriving as it does from perspectival human experience.⁹⁷

Moreover, the complex surface can always be re-synthesised, re-engaged with, from a different perspective to produce a different structure of knowledge. It is this open metaphysics which underpins the legitimacy of aesthetic forms as alternative discourses to be included in legal and philosophical debate in general. The restlessness implied by the constant possibility for re-synthesis also holds for the aesthetic products to which we direct our analytical scopes: the substantive contents and rich sensualities of an aesthetic work can always be encountered or interpreted differently. This is particularly so in relation to the comics medium, which involves the complex interaction of multiple ways of knowing and communicating. Indeed, the articulation of any particular comic can depend upon the exploitation or creation of tension between the different levels of comics’ formal and epistemological elements: the visual, the verbal, the sequence of images, the page surface, the physical object we hold,⁹⁸ the narrative or substantive content, and the rational and aesthetic dimensions of comics’ epistemological make-up. All these aspects are important to the meanings available, and variously solicit the participation of the reader on a number of levels in the interpretative project. In the highly interactive process of comics reading, the reader navigates these various levels of textual, visual, narrative, and epistemological awareness, which have varying importance (dependent upon how a work exploits the medium’s various formal elements and the corresponding tensions between them, and the perspective and intent of the reader) but are, to some degree, always present. The ‘surface’ of the comics page is intricate; it is layered with symbolic, representational, associative, and textual meaning, and multiple interplays between these layers. Coupled with this is the aesthetic quality of the comics page in general, of which the rational logic of linguistic and visual operation is only a part. In short, the comics surface has ‘depth’: it is richly complex, folded, always able to be re-interpreted or re-synthesised by adopting new or different perspectives.

⁹⁷ See F Nietzsche, *Daybreak: Thoughts on the Prejudices of Morality* (M Clark and B Leiter eds RJ Hollingdale tr Cambridge University Press, Cambridge 1997) 73.

⁹⁸ The various tensions between these first five elements and their potential for exploitation in comics’ narrative articulation are discussed in depth in chapter two of Hatfield (n 51).

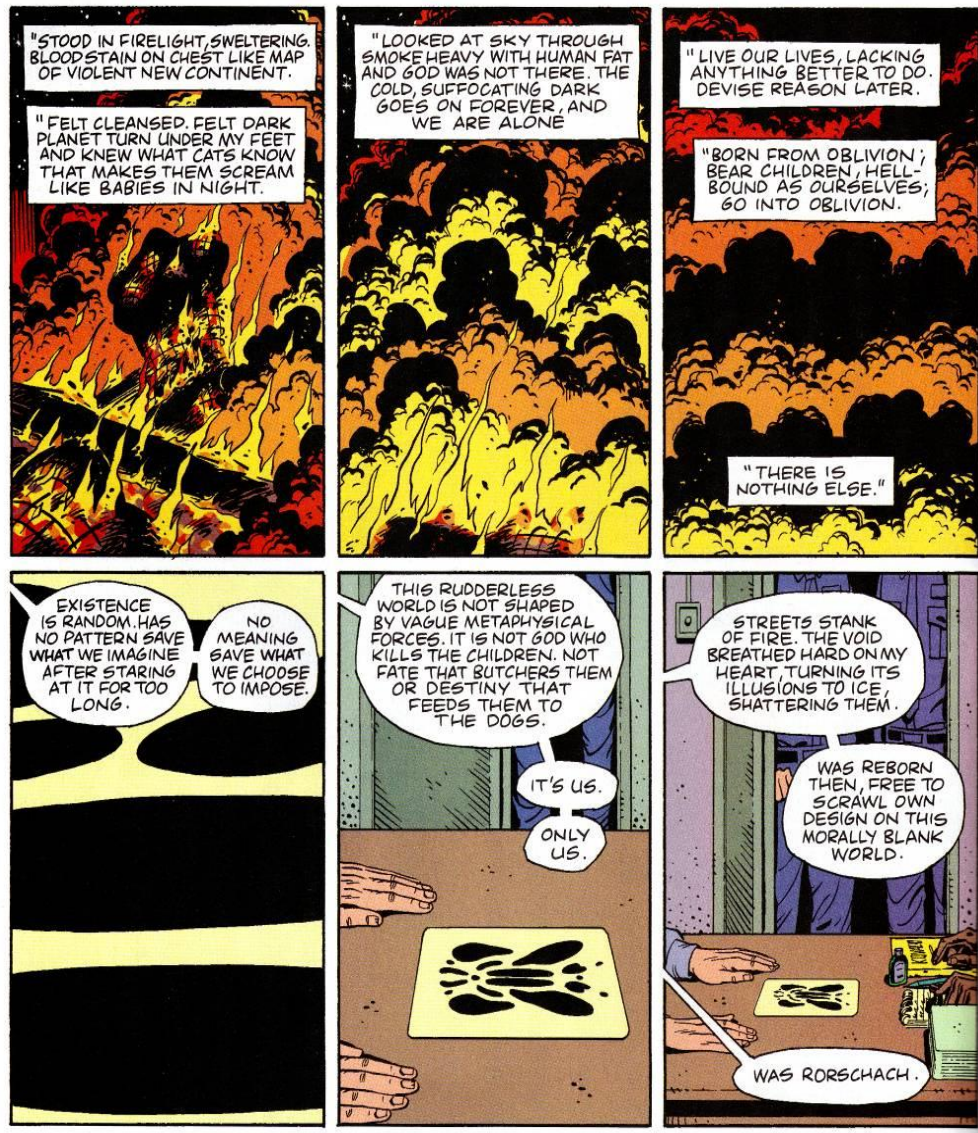


Figure 6: Extract from Moore and Gibbons's *Watchmen*.

Engaging with the issue of our human creation of knowledge, the second excerpt from *Watchmen* found in Figure 6⁹⁹ suggests that life might actually be pointless and chaotic, with no meaning or order 'save what we choose to impose' ourselves.¹⁰⁰ The textual statement to this effect occurs, fittingly,¹⁰¹ against the backdrop of a Rorschach ink-blot card in the fourth panel. Coupled with the statements on the imposition of (simplified) order over the (complex) chaos of existence, this stream of visual images posits a profound critique of our ability to 'know' about the world. The way Rorschach ink-blot works is that an individual looks at the random blobs of ink and projects onto them, or simply imagines, various images; through processes of imagination and interpretation we 'see' a picture of something that perhaps is not really there, we impose meaning upon what is essentially a random

⁹⁹ For this second excerpt, see page 26 of Chapter VI of Moore and Gibbons (n 82).

¹⁰⁰ As Gearey notes, willing knowledge is important to avoid a world without structure: see Gearey (n 87) 63-4. Note also Nietzsche's general distinction between the chaotic, communal Dionysian and the rational, individualised Apollonian forms which mask it: see Gearey (n 87) 57-8; Nietzsche (n 65).

¹⁰¹ The character speaking is also called Rorschach, so named due to the shifting black and white patterns of his hero-mask.

collection of marks and shapes. Figure 6 suggests, through the interaction of images and textual exposition, that the world, existence, life itself, is similarly a meaningless chaos, a random collection of images and sensations, onto which we impose order as we interpret and experience it – as we synthesise the complex surface into a rational structure. The particular Rorschach blot in Figure 6 is deployed directly after a line of images depicting a chaotic visualisation of fire and destruction, and the visual similarity between the third and fourth panels is overt. These two panels are, however, very different in their aesthetic quality: the smoke and fire is textual, rich, has movement, the suggestion of depth, of the night, of smoke and death; the Rorschach blot is two dimensional, monochrome, with little or no ‘richness’. This particular visual link and process of closure suggests that the structures we ‘impose’ over the chaos of reality will always overlook or reductively mask its complexity; simplified or abstracted models can only approximate the rich dynamics of life, literally ‘blotting out’ the complex dynamics and lived meanings of reality.

The suggestion, of both Nietzsche’s metaphysics and the observations of Figure 6, is that we can never know the ‘truth’ of things. But this does not necessarily make the world meaningless. We are responsible for the development and creation of the world: it is through our decisions, behaviour, and knowledge-making that we create and shape the world; and as Gearey observes in relation to the will to power in the creation of legal systems, structuring the world entails an ethical responsibility.¹⁰² The world is not guided by ‘vague metaphysical forces’; it must be *willed* – by us. Vitally, this ‘willing’ is not, or does not have to be, undertaken only via rational and linguistic description, nor must we ‘will’ the world to be meaningless. By engaging not only with rational language, but also with more aesthetic and visual means of articulation, a broadened analytical perspective such as law and humanities can help enrich our understanding of the rich complexities and meaningful dynamics of the human world. And, as we have seen, the comics medium can play a significant role in this project – especially when we remain sensitive to the epistemological interactions and in-betweenness during the interpretation process. It can not only model relationships between words and images, between rational and aesthetic means of articulation, but can do so in a way that integrates these multiple ways of knowing into a flowing narrative around particular themes. When these themes are relevant to law (as those of *Watchmen* are, for example, with respect to how we understand the self or the world in general), then comics can be of great importance to legal studies.

Conclusion

In constructing and critiquing law and legal theory, particularly from an interdisciplinary perspective, it is important to be critically aware of the limits of their predominant ways of knowing: those based largely upon the use of text and rational language. The comics medium has a dual benefit in this context: firstly, it is an aesthetic and narrative medium that, like other products of the humanities, can enrich understanding of justice issues by bringing an experiential or emotional dimension to theoretical exploration; secondly, comics’ distinctive epistemological make-up taps into our ability to approach the complexity of life under Nietzschean metaphysics, placing textual and rational knowledge within a

¹⁰² For more on the ‘existential void’ and the ethical responsibility it entails, see M Williams *Empty Justice: One Hundred Years of Law, Literature, and Philosophy* (Routledge-Cavendish, Abingdon 2002), especially the introduction.

visual and aesthetic context. The in-between status of comics exposes the complex boundary regions where text and image, rationality and aesthetic sensuality, meet. Engaging with these borders encounters the limits of law's dominant ways of knowing (the textual, the rational) with respect to the fluidity of the visual and the aesthetic, and the complexity of life more generally. Exposing law's typically textual ways of knowing to alternative means of articulation not only challenges the automatic use of text as 'ideal' for the articulation of legal and moral issues, but enables engagement with a wider set of interacting knowledges that can help triangulate issues surrounding justice in a human world inhabited by sensual beings. As part of an interdisciplinary and critical endeavour such as law and humanities, which moves us towards a better understanding justice in human contexts through aesthetic engagement, the richly layered medium of comics is a fertile resource that cannot be ignored.